

Francis M. Wikstrom (3462)
FWikstrom@parsonsbehle.com
Kristine E. Johnson (7190)
KJohnson@parsonsbehle.com
PARSONS BEHLE & LATIMER
201 South Main Street, Suite 1800
Salt Lake City, UT 84111
Telephone: (801) 532-1241

J. Michael Hennigan (Pro Hac Vice)
Hennigan@mckoolsmith.com
Roderick G. Dorman (Pro Hac Vice)
RDorman@mckoolsmith.com
MCKOOL SMITH HENNIGAN PC
865 South Figueroa St. Suite 2900
Los Angeles, CA 90017
Telephone: (213) 694-1200

Attorneys for Defendant Daniel Simmons

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION**

BEUS GILBERT PLLC,

Plaintiff,

v.

BRIGHAM YOUNG UNIVERSITY,
WEILIN XIE AND DANIEL SIMMONS,

Defendants.

**DECLARATION OF RODERICK G.
DORMAN REGARDING THE NEED
TO FILE UNDER SEAL
DEFENDANT DANIEL L.
SIMMONS'S OBJECTIONS TO THE
NEW EVIDENCE RELIED ON IN
THE REPLY ON THE MOTION FOR
SUBSTITUTION OF PARTY BY
SARAH B. DAY AS TRUSTEE OF
THE DONALD L. ROBERTSON
TRUST**

BEUS GILBERT PLLC,

Plaintiff,

v.

DONALD ROBERTSON, BRIGHAM
YOUNG UNIVERSITY, WEILIN XIE AND

**Case No. 2:12cv00970-RJS (Lead Case)
Case No. 2:14cv00206-RJS**

Honorable Judge Robert J. Shelby

DANIEL L. SIMMONS,

Defendants.

1. I am a principal with McKool Smith, P.C., lead counsel for Daniel L. Simmons in the above-captioned matter. I submit this declaration regarding the need to file under seal Simmons's Objections to the New Evidence Relied on in the Donald L. Robertson Trust's Reply on the Motion for Substitution of Party by Sarah B. Day as Trustee of the Donald L. Robertson Trust ("Objections"). This declaration is based on my personal knowledge, unless otherwise stated, and if called as witness I could and would testify competently to the facts stated herein.

2. The Donald L. Robertson Trust moved to file its Reply on the Motion for Substitution of Party by Sarah B. Day as Trustee of the Donald L. Robertson Trust ("Reply") under seal on the grounds the Reply "incorporates and relies on information that has been produced in this matter as 'Confidential' by the parties," citing to the Declaration of March 16, 2015, William Beard, Jr., Esq., counsel for the Donald L. Robertson Trust, that was submitted in support of the Robertson Opposition to the Xie Motion for Summary Judgment. (ECF No. 161, p. 1, n. 1, citing ECF No. 159-1.) By order of March 26, 2015, the Court granted the Trust's motion to seal the Reply. (ECF No. 167.) Simmons's Objections are to the evidence contained or relied on in the sealed Reply.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct to the best of my knowledge and belief.

Dated: this 30th day of March, 2015.

/s/ Roderick G. Dorman

Roderick G. Dorman

CERTIFICATE OF SERVICE

I hereby certify that on the 30th of March, 2015, I caused a copy of the foregoing document to be filed via the Court's CM/ECF system, which provided notice to all counsel of record.

/s/ Kristine E. Johnson